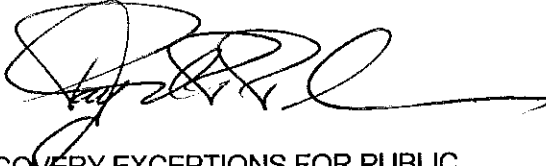


# Memo

To: Human Services Committee  
From: Raymond Pech, Executive Director  
Date: March 11, 2008  
Re: 5904, AN ACT CONCERNING RECOVERY EXCEPTIONS FOR PUBLIC  
ACCOMMODATION DISCRIMINATION SETTLEMENTS AND AWARDS.



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The Commission on Human Rights and Opportunities supports HB 5904, AN ACT CONCERNING RECOVERY EXCEPTIONS FOR PUBLIC ACCOMMODATION DISCRIMINATION SETTLEMENTS AND AWARDS.

Excepting public accommodation discrimination settlements or awards, from recovery by the state or municipalities, simply extends the reasoning behind public acts 05-280, ACT CONCERNING SOCIAL SERVICES AND PUBLIC HEALTH BUDGET IMPLEMENTATION PROVISIONS, or 07-44, AN ACT CONCERNING DISCRIMINATION AWARDS RECEIVED BY PERSONS WHO HAVE BEEN SUPPORTED BY STATE HUMANE INSTITUTIONS.

As Rep. Villano said in explaining 07-44 to the House, "This Bill builds upon a 2005 public act [PA 05-280] that prohibits the state or municipalities from claiming or applying a lien against a lump-sum discrimination award received by persons who are or were beneficiaries of certain public assistance programs."

He was joined in bi-partisan support when Rep. Floren stated, "And I think it's important to remember that people who are in mental institutions or in drug facilities frequently are discriminated against in the housing market and in other areas, or employment. And they should be able to, if they get a case that is awarded to them, they should be able to use their benefits for their own benefit as well."

That is the crux of the issue. Discrimination awards are intended to make the victim whole. If the state or municipalities can enforce a lien against much or all of a damage award for discriminatory conduct there is no incentive for the victim to go through the time, expense and emotional upset to file and pursue a complaint, and the discrimination will go unchallenged and therefore uncorrected.

The same logic that applied to the two previous acts applies here and we urge the committee to report the bill favorably.